

### REMARKS

This application has been reviewed in light of the Office Action dated December 1, 2005. Claims 22-29 and 34-37 are pending in this application, of which Claims 22, 23, 25, and 26 are in independent form. Claims 22, 23, 25, 26 and 34-37 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

Claims 22-29 and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,396,537 (Squilla et al.) in view of U.S. Patent No. 5,806,005 (Hull et al.).

As shown above, Applicants have amended independent Claims 22, 23, 25, and 26 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited art for at least the following reasons.

Claim 22 is directed to an image capture apparatus that communicates with an external recording apparatus using a wireless communication unit. The image capture apparatus includes an image capture unit adapted to capture a digital image and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. The image capture apparatus also includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already transmitted to

the external recording apparatus, using information corresponding to the digital image recorded on the recording medium. The control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Among other notable features of Claim 22 are that the image capture apparatus, which communicates with an external recording apparatus using a wireless communication unit, includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, using information corresponding to the digital image recorded on the recording medium, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Squilla et al. does not teach or suggest these features.

Squilla et al. relates to a photographic system, including a camera, that is capable of interactive data communication with sources of digital data associated with one

or more scenes. The Squilla et al. system includes a processing center arranged to process images photographed by a camera and perform extra services such as albing. The processing center is also arranged to download information associated with the images via a telecommunication link. If the processing center is an image server center, there is no need for a telecommunication link since the information is on site.

Applicants have found nothing in Squilla et al. that would teach or suggest an image capture apparatus, which communicates with an external recording apparatus using a wireless communication unit, comprising “a control unit adapted to judge whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, using information corresponding to the digital image recorded on the recording medium, wherein said control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22 (emphasis added).

Hull et al. does not remedy the deficiencies of Squilla et al.

Hull et al. relates to a portable image capture system including a digital still camera, a cellular telephone transmitter, a central processing unit (CPU), a receiving station, and an image storage device. The digital still camera captures images in digital form and stores the images in a camera memory. The CPU controls the camera memory to

cause it to output data representing an image and controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. The receiving station is coupled to the cellular telephone transmitter by a cellular network to receive image data and store the images.

However, nothing has been found in Hull et al. that would teach or suggest an image capture apparatus, which communicates with an external recording apparatus using a wireless communication unit, comprising “a control unit adapted to judge whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, using information corresponding to the digital image recorded on the recording medium, wherein said control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22 (emphasis added).

Accordingly, Applicants submit that a combination of Squilla et al. and Hull et al., assuming that such combination would even be permissible, would fail to teach or suggest the above-referenced “control unit” feature of Claim 22.

Independent Claim 23 recites features similar to those discussed above with respect to Claim 22 and therefore is believed to be patentable over the cited prior art for at least the same reasons discussed above in connection with Claim 22. Independent Claims

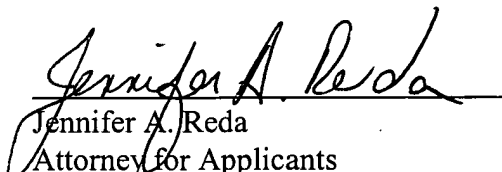
25 and 26 are method claims corresponding to Claims 22 and 23, respectively, and are believed to be patentable over the cited prior art for at least the same reasons as discussed above in connection with Claim 22.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are, therefore, believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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